

PAULA T. DOW

Attorney General of New Jersey
Attorney for Petitioner
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, New Jersey 08401

By: Robert A. Moncrief Jr.
Deputy Attorney General
(609) 317-6218

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF GAMING ENFORCEMENT
DOCKET NO. 11-1329-EL

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
)	
Petitioner,)	Civil Action
)	
v.)	PETITION FOR
)	PLACEMENT ON
JOHN R. FINDLAY,)	EXCLUSION LIST
Respondent.)	
)	

Petitioner, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement ("Division"), located at 1300 Atlantic Avenue, Atlantic City,
New Jersey, 08401 says:

1. Respondent, John R. Findlay ("Findlay"), is a resident of Pennsylvania,
having an address of [REDACTED] Philadelphia, Pennsylvania [REDACTED]

2. N.J.A.C. 13:69G-1.3(a)3 provides, in pertinent, part for the exclusion

of:

any person who has been convicted of a criminal offense.... punishable by more than six months in prison and whose presence in a licensed casino establishment would be inimical to the interests of the State of New Jersey and of license gaming therein.

3. N.J.A.C. 13:69G-1.3(a)4 provides, in pertinent, part for the exclusion

of:

any person whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or licensed gaming therein,

4. On April 10, 2008, Findlay was arrested and indicted for Promoting Gambling (third degree), in violation of N.J.S.A. 2C:37-2A(1), Money Laundering (second degree), in violation of N.J.S.A. 2C:21-25, Racketeering (second degree), in violation of 2C:41-2C, and Conspiracy (second degree), in violation of N.J.S.A. 2C:5-2. See Exhibit "A", attached.

5. On December 19, 2008, Findlay pled guilty to the charge of Promoting Gambling (3rd degree), in violation of N.J.S.A. 2C:37-2.

6. On February 27, 2009, Findlay was sentenced to a three year term of probation conditioned upon 150 in days county jail. See Exhibit "B", attached.

7. Findlay's conviction for Promoting Gambling resulted from his involvement in an illegal sports betting enterprise with connections to persons at the Borgata Casino Hotel and Spa. More specifically, Findlay was alleged to have worked in the wire room of the enterprise taking bets and giving betting lines to prospective bettors. See Exhibit "C", attached.

8. Based on information contained in Paragraphs 1 through 7 of this petition, Findlay is a person who has been convicted of a criminal offense punishable by more than six months in prison and whose presence in a licensed casino establishment would be inimical to the interests of the State of New Jersey and of license gaming therein and should be excluded from casino premises pursuant to N.J.A.C.13:69G-1.3(a)3.

9. Based on information contained in Paragraphs 1 through 7 of this petition, Findlay is a person whose presence in a licensed casino establishment would be inimical to the interests of the State of New Jersey or licensed gaming therein and should be excluded from casino premises pursuant to N.J.A.C.13:69G-1.3(a)4.

WHEREFORE, Petitioner demands the following relief against Respondent, Findlay:

A. Judgment that the Respondent, John R. Findlay, is a person who has been convicted of an offense punishable by more than 6 months in jail and whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein, within the meaning of N.J.A.C.13:69G-

1.3(a)3;

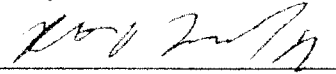
B. Judgment that the Respondent, John R. Findlay, is a person whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein, within the meaning of N.J.A.C.13:69G-1.3(a)4;

C. Judgment entering a Final Order placing Respondent, John R. Findlay, on the exclusion list pursuant to N.J.S.A. 5:12-71(l) and N.J.A.C.13:69G-1.3(a)3 and 13:69G-1.3(a)4; and,

D. Judgment for such other and further relief as the Director may deem just and appropriate under the circumstances.

Respectfully submitted,

PAULA T. DOW
Attorney General of New Jersey

By: 
Robert A. Moncrief Jr.
Deputy Attorney General

Dated 9/1/11

SUPERIOR COURT OF N.J.
FILED

APR 10 2008

Christine P. Higgins
Acting Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

2008 APR 18 AM 9:52

State Grand Jury

Number SGJ554-08-5

Superior Court

Docket Number 08-04-00062-SGJ-D
07005335

STATE OF NEW JERSEY)

v.)

JACK BUSCEMI, JR. 003)

INDICTMENT

ANDREW MICALI 016)

ANTHONY NICODEMO 017)

VINCENT PROCOPIO 023)

RUSSELL BROWN 015)

DOUGLAS RUBINO 004)

JOSEPH BALDINO, JR. 013)

VINCENT BORGESI 028)

JOHN FINDLAY 025)

BERNARD MALSEED 024)

ROBERT MACKIE 021)

IAN BLACKMAN 020)

JEFFREY EBERT 001)

JOSEPH WISHNICK 014)

MATTHEW ZAMBANINI 019)

FRANK BALDINO 012)

NICHOLAS CALTIBIANO 002)

MARK GALASSO 011)

EXHIBIT

A

STEVEN CASSASANTO 006)

WILLIAM DEPENA 005)

DOMINIC GRANDE 026)

MICHAEL CONNELLY 029)

ANNIE GRAJALES OSPINA 027

and)

MARIANNE MICALI 030)

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Racketeering - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO, JR.

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

and

NICOLAS CALTIBIANO

and other persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not defendants herein, at the times and places herein specified, did commit the crime of racketeering, that is, the defendants and other persons employed by or associated with the enterprise engaged in activities which affected trade or commerce in the State of New Jersey, in that they:

1. Purposely or knowingly did conduct or participate directly or indirectly in the conduct of the enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt, including the commission of crimes of the second degree, contrary to the provisions of N.J.S.A. 2C:41-2c; or

2. With the purpose of promoting or facilitating the commission of the crime of racketeering, did conspire or agree together or with persons whose identities are known to the Grand Jurors, who at times relevant to this indictment were acting at the direction of various law enforcement agencies that:

A. One or more of them would engage in conduct which would constitute the crime of racketeering; or

B. One or more of them would aid in the planning, solicitation or commission of the crime of racketeering, that is, to conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity or collection of an unlawful debt, including the commission of crimes of the second degree, in violation of N.J.S.A. 2C:41-2d, all as hereinafter described.

THE RELEVANT TIMES AND PLACES

The predicate criminal activity and conspiracy occurred between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court.

THE ENTERPRISE

JACK BUSCEMI, JR., ANDREW MICALI, ANTHONY NICODEMO, VINCENT PROCOPIO, RUSSELL BROWN, DOUGLAS RUBINO, JOSEPH BALDINO, JR., JOHN FINDLAY, BERNARD MALSEED, ROBERT MACKIE, IAN BLACKMAN, JEFFREY EBERT, JOSEPH WISHNICK, MATTHEW ZAMBANINI, FRANK BALDINO, NICHOLAS CALTIBIANO and other persons whose identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of N.J.S.A. 2C:41-1c, that is, a group of

individuals associated in fact, which was an illegal entity.

THE PURPOSES OF THE ENTERPRISE

The purpose of the enterprise was to engage in illegal bookmaking to obtain United States currency or property for members or associates of the enterprise. This was accomplished by accepting illegal sports wagers, collecting gambling debts, distributing loans at usurious rates to bettors and other individuals or through other violations of the laws of the State of New Jersey, including the commission of the crimes of criminal usury, money laundering and promoting gambling. The enterprise had a leadership which financed, organized, supervised or managed the subordinate members in a common course of conduct to participate in illegal bookmaking. Members of the enterprise took steps to conceal from law enforcement authorities the existence of the enterprise, the means and locations from which it conducted its affairs, including but not limited to using wireless telephones and using a variety of locations and websites which members or associates of the enterprise would use to conduct the business of this illegal enterprise. The enterprise was perpetuated through an organized and structured chain of command, delineated roles of members and associates and sharing of illicit profits, and through the solicitation, recruitment and employment of others to act as agents or bettors in the illegal bookmaking operation.

THE PATTERN OF RACKETEERING ACTIVITY

The pattern of racketeering activity, as defined in N.J.S.A. 2C:41-1d, consisted of at least two incidents of racketeering activity, including Promoting Gambling (N.J.S.A. 2C:37-2), Money Laundering (N.J.S.A. 2C:21-25), Criminal Usury (N.J.S.A. 2C:21-19) or conspiracies to commit these crimes (N.J.S.A. 2C:5-2), primarily in the following ways:

JACK BUSCEMI, JR.

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

ANDREW MICALI

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

ANTHONY NICODEMO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

VINCENT PROCOPIO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

RUSSELL BROWN

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

DOUG RUBINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

JOSEPH BALDINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

JOHN FINDLAY

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the

subject of Counts Two, Three and Five of this Indictment.

BERNARD MALSEED

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

ROBERT MACKIE

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

IAN BLACKMAN

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

JEFFREY EBERT

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering, criminal usury and conspiracy, which racketeering conduct is the subject of Counts Two, Three, Four and Five of this Indictment.

JOSEPH WISHNICK

did commit the racketeering conduct by engaging in and or

conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

MATTHEW ZAMBANINI

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

FRANK BALDINO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

NICHOLAS CALTIBIANO

did commit the racketeering conduct by engaging in and or conspiring to commit the crimes of promoting gambling, money laundering and conspiracy, which racketeering conduct is the subject of Counts Two, Three and Five of this Indictment.

All in violation of N.J.S.A. 2C:41-2c and N.J.S.A. 2C:41-2d, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Conspiracy - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

and other persons whose identities are known to the Grand Jurors, and who are co-conspirators, but not defendants herein, between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of money laundering, criminal usury and promoting gambling, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crimes, that is:

1. Money laundering, in that one or more of them would transport or possess property known or which a reasonable person would believe to be derived from criminal activity, including criminal usury and promoting gambling, the aforesaid property being more than \$75,000 in U.S. currency, contrary to the provisions of N.J.S.A. 2C:21-25a;

2. Criminal usury, in that one or more of them would loan or agree to loan, directly or indirectly, money, at interest

rates exceeding the maximum rate permitted by law, or by taking or receiving money as interest on a loan in excess of the maximum rate permitted by law, that is, in excess of 50% per annum, or the equivalent rate for a longer or shorter period, contrary to the provisions of N.J.S.A. 2C:21-19b;

3. Promoting gambling, in that one or more of them would accept and receive money or other property pursuant to an agreement and understanding with any person whereby they participated or would participate in the proceeds of gambling activity, and would engage in conduct which materially aided said gambling activity by engaging in bookmaking to the extent that they would receive or accept in any one day more than five bets totaling more than \$1,000, contrary to the provisions of N.J.S.A. 2C:37-2.

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Money Laundering - Second Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the Commonwealth of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere, and within the jurisdiction of this Court, did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, including criminal usury and promoting gambling, the aforesaid property being more than \$75,000 in U.S. currency, contrary to the provisions of N.J.S.A. 2C:21-25a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Criminal Usury - Second Degree)

ANDREW MICALI

VINCENT PROCOPIO

IAN BLACKMAN

and

JEFFREY EBERT

between on or about May 1, 2006, and on or about November 14, 2007, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did engage in the business of making loans in violation of N.J.S.A. 2C:21-19a, that is, the said ANDREW MICALI, VINCENT PROCOPIO, IAN BLACKMAN and JEFFREY EBERT, when not being permitted or authorized by law to do so, knowingly did engage in the business of loaning or agreeing to loan, directly or indirectly, money at interest rates exceeding the maximum interest rate permitted by law, or knowingly did engage in the business of taking, agreeing to take or receiving money, as interest on a loan in excess of the maximum interest rate permitted by law, that is, at an interest rate exceeding 50% per annum, or the equivalent rate for a longer or shorter period, contrary to the provisions of N.J.S.A. 2C:21-19b and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Promoting Gambling - Third Degree)

JACK BUSCEMI, JR.

ANDREW MICALI

ANTHONY NICODEMO

VINCENT PROCOPIO

RUSSELL BROWN

DOUGLAS RUBINO

JOSEPH BALDINO

VINCENT BORGESI

JOHN FINDLAY

BERNARD MALSEED

ROBERT MACKIE

IAN BLACKMAN

JEFFREY EBERT

JOSEPH WISHNICK

MATTHEW ZAMBANINI

FRANK BALDINO

NICHOLAS CALTIBIANO

STEVEN CASSASANTO

WILLIAM DEPENA

DOMINIC GRANDE

MICHAEL CONNELLY

ANNIE GRAJALES OSPINA

and

MARIANNE MICALI

and other persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not as defendants herein, between on or about March 31, 2006, and on or about November 14, 2007, at the City of Atlantic City, City of Brigantine, Township of Hamilton, City of Pleasantville, City of Ventnor, all in the County of Atlantic, at the City of Philadelphia, in the State of Pennsylvania, at the Township of North East, in the State of Maryland, elsewhere and within the jurisdiction of this Court, did purposely and knowingly accept or receive money or property, pursuant to an agreement or understanding with any person whereby they participated or would participate in the proceeds of gambling activity, and did engage in conduct which materially aided the said gambling activity, the said conduct being directed toward the arrangement of the financial and recording phases thereof, by engaging in bookmaking, to the extent that they received or accepted in any one day more than five bets totaling more than \$1,000, contrary to the provisions of N.J.S.A. 2C:37-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

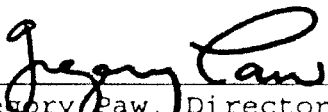
(Money Laundering - Third Degree)

ANDREW MICALI

and

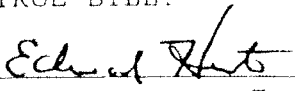
MARK GALASSO

between on or about November 9, 2006, at the City of Atlantic City, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, did cause or attempt to cause a financial institution, such as a casino, or any other individual or entity required by State or federal law to file a report regarding currency transactions or suspicious transactions to fail to file a report or to file a report that contains a material omission or misstatement of fact, contrary to the provisions of N.J.S.A. 2C:21-25e and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.



Gregory Paw, Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

DATE: 4/10/2008

v.
Defendant: JOHN FINDALY

- ☒ JUDGMENT OF CONVICTION
☐ CHANGE OF JUDGMENT
☒ ORDER OF COMMITMENT
☐ INDICTMENT / ACCUSATION DISM.
☐ JUDGMENT OF ACQUITTAL

Date of Birth: [REDACTED] SBI number: [REDACTED]
 Date of Arrest: 04/10/2008 Date Indict/Acc. filed: 03/27/2008
 Date Original Plea: 06/16/2008 Original Plea: ☒ Not Guilty ☐ Guilty

Adjudication by: ☐ Partial adjudication of case, remaining counts to be heard by the court at a later date.

☒ Guilty Plea Date: 12/19/2008 ☐ NON-Jury Trial Date:
☐ Jury Trial Date: ☐ Dismissed/acquitted Date:

ORIGINAL CHARGES 08-04-00062-S DSG

Count	Description	Degree	Statute
001	RACKET-EMPLOYEE	2	2C:41-2C
002	CONSPIRACY	2	2C:5-2 CONSP. TRANSPORTING PROPERTY
DERIVED FROM			
003	MONEY LAUNDERING	2	2C:21-25
005	PROMOTE GAMBLING	3	2C:37-2

FINAL CHARGES

Count	Description	Degree	Statute
005	PROMOTE GAMBLING	3	2C:37-2

IT IS, therefore on FEBRUARY 27 2009 ORDERED and ADJUDGED that the defendant is sentenced as follows:

CT. 5: PROBATION 3 YEARS, ACJ 150 DAYS, DAY REPORTING PROGRAM MINIMUM 2 DAYS PER WEEK IF QUALIFIED,
 JAIL CREDIT 1 DAY.
 PSF \$15 PER MONTH, FINE \$4,000, SSCP \$75, VCCA \$50, LETF \$30, ALL MONIES PAYABLE THRU PROBATION,
 RANDOM URINE SCREENS, MAINTAIN FULL TIME EMPLOYMENT, PROBATION MAY BE TRANSFERRED TO PENNSYLVANIA,
 REMAINING COUNTS AND CHARGES DISMISSED.

EXHIBIT

B

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> The defendant is hereby sentenced to community supervision for life.
<input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided.
<input type="checkbox"/> The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior. | <input type="checkbox"/> The court finds that the defendant is amenable to sex offender treatment.
<input type="checkbox"/> The defendant is hereby ordered to serve a _____ yr. term of parole supervision which term shall begin as soon as defendant completes the sentence of incarceration.
<input type="checkbox"/> The court finds that the defendant is willing to participate in sex offender treatment. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

☒ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

☒ Defendant is to receive credit for time spent in custody (R 3:21-8) TOTAL NUMBER OF DAYS: 1
 DATES FROM/TO: 04-10-2008 TO 04-10-2008

☐ Defendant is to receive GAPTIME for time spent in custody (N.J.S.A. 2C:44-5b(2)) TOTAL NUMBER OF DAYS: ____
 DATES FROM/TO:

Total Custodial Term: 00Y 00M 150D

Institution: COUNTY JAIL

Total Probation Term: 03Y 00M

Statement of Reasons

**State of New Jersey v. John Findlay
Indictment No. 08-04-00062-D**

This was a negotiated plea between the Prosecutor and defendant. There is therefore a presumption of reasonableness. It appears appropriate under all the facts and circumstances and, in the interest of justice, the Court will impose the recommended sentence.

Defendant has pled guilty to promoting gambling, a third degree offense.

This is defendant's only known arrest.

This defendant was involved in this gambling ring, took bets, and was paid on a weekly basis to answer phones and take bets. The State alleges that this defendant was an agent and worked in the wire room taking bets and giving bettors the lines. He was aware of profits, losses, and settle ups conducted every week by the organization.

Defendant is thirty-two years old and lives in Philadelphia. He lists his employer as the Plasterers Union, Local #8 in Philadelphia. He resides with his fiancé, her son age 10, and their son age 8 months.

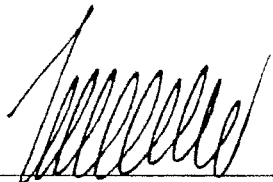
Aggravating Factor 9 applies. Mitigating Factors 7, 8, 9 and 10 apply. The Aggravating Factors and Mitigating Factors are in equipoise.



Therefore, the defendant is sentenced as follows:

Sentence: **Count 5:** Promote gambling, third degree
 3 years probation
 150 days ACJ, Day Reporting allowed
 Jail credit: 1 day
 Remaining counts dismissed
 Probation may be transferred to Pennsylvania
 Random urine screenings
 Maintain full time employment
 Fine \$4,000
 VCCA \$50
 SSCP \$75
 LETF \$30
 Probation Fee \$15 per month
 DNA Sample

Date Sentenced/Ordered: 2-27-09



Michael A. Donio, J.S.C.